

STAFF REPORT  
September 9, 2004

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**No. 04RZ045 - Rezoning from Heavy Industrial District to Office Commercial District**      **ITEM 23**

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GENERAL INFORMATION:

PETITIONER	Design Works for Century Resources, Inc.
REQUEST	<b>No. 04RZ045 - Rezoning from Heavy Industrial District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	The north 327.2 feet of the N1/2 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.724 Acres
LOCATION	1400 West Philadelphia Street
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/13/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from Heavy Industrial District to Office Commercial District be approved in conjunction with the associated Planned Development Designation request.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the subject property from Heavy Industrial District to Office Commercial District. On August 27, 2004, a Planned Development Designation request has been approved for the subject property.

The subject property is located in the northeast corner of the West Street/W. Philadelphia Street intersection and is currently void of any structural development.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of staff findings is outlined below:

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1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the city in general.*

The property is currently void of any structural development but is located in a developing and/or redeveloping area. Currently, City sewer and water is located east of the subject property in the W. Philadelphia Street right-of-way. The applicant has indicated that the services will be extended along W. Philadelphia Street to serve the subject property. The proximity and proposed extension of water and sewer constitutes a substantial change in the condition of the area and increases the potential development of the subject property as well as the surrounding area.

2. *The proposed zoning is consistent with the intent and purpose of this ordinance.*

Office Commercial zoning is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. In addition, single family and/or multi-family uses are allowed in the Office Commercial District. The properties located north and west of the subject property are currently zoned Park Forest District. The property located east of the subject property is zoned Medium Density Residential District. The North Rapid Neighborhood Future Land Use Plan identifies the subject property as well as properties located south of the subject property as appropriate for Office Commercial use(s) with a Planned Commercial Development. The additional review provided by the Planned Commercial Development process will insure site specific issues, such as soil stability water pressure and floodplain concerns, are adequately addressed. It appears that development of the subject property with residential and/or office commercial use(s) is consistent with the intent and purpose of this ordinance.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.*

Staff has not identified any significant adverse impacts that will result from the proposed rezoning. The additional review provided by the Planned Commercial Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. As such, the proposed amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

4. *The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

As previously indicated, the North Rapid Neighborhood Area Future Land Use Plan identifies the appropriate use of the subject property as Office Commercial with a Planned Commercial Development. As such, the proposed rezone in conjunction with

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the Planned Development Designation request is consistent with the adopted Comprehensive Plan.

Legal Notification: The receipts from the certified mailings have been returned. Staff has not received any inquiries or objections regarding the proposed request at the time of this writing.

Staff is recommending that the rezoning request be approved in conjunction with the associated Planned Development Designation. Please note that the Planned Development Designation has been approved with the following stipulations:

1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property;
2. The Planned Development Designation is not effective until such time as the rezoning from Heavy Industrial District to Office Commercial District (04RZ045) is effective;
3. The Planned Residential Development – Initial and Final Development Plan, shall provide appropriate buffers to mitigate the impact on the adjacent neighborhood and will address site specific concerns relative to traffic, lighting, signage, landscaping, parking, storm drainage, street improvements, wildland fire mitigation, flood plain, or any other requirements deemed appropriate for review of the subject property.